

**FISH AND WILDLIFE SERVICE
LAW ENFORCEMENT**

Law Enforcement

Part 442 Firearms and Use of Force

Chapter 1 Firearms

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1.1 Purpose. This chapter establishes Service policy concerning firearms issued, carried, and/or used by Service law enforcement officers in the performance of their official law enforcement duties.

1.2 Scope.

A. This chapter applies to all Service Law Enforcement Officers. The term law enforcement officer includes Special Agents, Refuge Officers including both full-time and collateral duty officers, and other Service employees that have been granted Service law enforcement authority and who have met the requirements of this chapter and other applicable Service requirements.

B. Nothing in this chapter shall preclude the use of, nor govern the use of firearms in the performance of non-law enforcement activities by Service employees. Non-law enforcement activities in which a firearm may be used include dispatching of injured animals, self-defense against wildlife, predator or stray animal control, covert hunting situations, or similar situations that do not involve the use of a firearm as a force option against a person or persons.

1.3 Policy and Authority.

A. Policy. All Service law enforcement officers shall be properly trained in the use of firearms and equipped with firearms appropriate for the law enforcement duties performed, and unless restricted by the authorities section of this part, shall carry firearms in the performance of their official duties.

B. Authority. Service law enforcement officers are authorized to carry and use firearms as follows:

(1) Service law enforcement officers are authorized to carry and use firearms in the performance of their official law enforcement duties by virtue of the power to arrest contained in the statutes enforced, and as expressly authorized under the Lacey Act Amendments of 1981 [16 USC 3375(b)].

(2) Wildlife inspectors are not authorized to carry firearms in the performance of their official duties unless specifically authorized. Such authorization must have the concurrence of the Chief, Division of Law Enforcement.

(3) Notwithstanding the authority granted by statute, only those law enforcement officers who meet the training standards established by the Service are authorized to carry or utilize firearms in the performance of their official duties.

1.4 Responsibilities.

A. Regional Directors will ensure compliance with all provisions of this chapter. The Regional Director is assisted by the Assistant Regional Director (ARD) for Law Enforcement who is also referred to as the Special Agent in Charge, and the ARD for Refuges and Wildlife. Responsibilities specific to the ARDs are identified throughout the chapter.

B. The Assistant Director - Refuges and Wildlife is responsible for development and maintenance of the Service policy and procedure governing the use of firearms. The Assistant Director is assisted by the Chief, Division of Law Enforcement and the Special Agent in Charge, Branch of Training and Inspection. The Assistant Director is also authorized to develop and issue a Firearms Instructor Handbook. See paragraph [1.10.](#)

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1.5 Authorized Firearms and Ammunition. Only Service issued weapons may be utilized for law enforcement purposes. The carrying of personal weapons for official law enforcement purposes is prohibited. Firearms and related equipment issued to a Service law enforcement officer upon conferral of law enforcement authority shall remain with the law enforcement officer upon transfer or reassignment as long as he or she retains law enforcement authority. Upon separation from the Service or relinquishment of law enforcement authority, all firearms and related equipment will be returned to the Branch of Training and Inspection, Division of Law Enforcement.

A. Service Sidearms.

(1) The standard issue sidearm for all Service law enforcement officers shall be a stainless steel, six (6) shot, double action revolver with a barrel length of two and one half (2) to four (4) inches inclusive, in .357 magnum caliber; or a double action semi-automatic pistol in .45 ACP, .40 Smith and Wesson, .357 Sig, 9mm parabellum calibers, or other calibers that fire a .355 inch diameter or larger bullet and have been authorized by the Division of Law Enforcement. The action in the semi-automatic pistol may be in either of two configurations: (1) double action only in which all trigger pulls are in the double action mode, or (2) mixed double and single action in which the first shot is double action and subsequent shots are single action. The semi-automatic sidearm will have a magazine capacity of at least seven rounds, a magazine release mounted on the side of the frame, an external hammer with a hammer drop lever/decocking lever for the double/single action design, a firing pin safety lock which will allow it be carried safely with a round in the chamber, no external safety which would require manipulation prior to firing in the double action mode, and no magazine disconnect which would prevent the weapon from being fired with the magazine removed.

(2) Operation requirements, such as covert investigations and other special assignments or conditions, may necessitate carrying an alternate sidearm other than the standard issue pistol or revolver. Any double action, semi-automatic pistol or steel frame revolver of at least .38 Special or .380 (9mm KURZ) with a capacity of at least five cartridges owned by the Service may be issued and carried for special law enforcement purposes when authorized by the ARD for Law Enforcement/Special Agent in Charge or ARD for Refuges and Wildlife. When such authority is granted, the law enforcement officer is required to qualify or re-qualify with the alternate sidearm under the same standards applicable to the standard issue handgun.

(3) Service law enforcement officers are authorized to carry a second, concealed back-up sidearm for safety purposes. The back-up sidearm must meet the standards set in either paragraphs (1) and (2) above, and the law enforcement officer must successfully meet the qualification/re-qualification standards established by the Service for back-up sidearms.

B. Shotguns and Rifles.

(1) The standard issue shotgun shall be a 12 gauge pump or semi-automatic police type weapon with a barrel length of eighteen to twenty-one inches, and fitted with rifle sights or optical/electronic sights.

(2) The standard issue rifle for law enforcement purposes shall be a bolt action or semi-automatic in .223 (5.56) or .30 caliber. Approval from the ARD for Law Enforcement/Special Agent in Charge or Assistant Regional Director for Refuges and Wildlife shall be required if non-standard rifles are to be issued and used for law enforcement purposes.

C. Select Fire Weapons. The carrying and use of select fire (fully-automatic) weapons by Service law enforcement officers is not authorized.

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D. Ammunition.

(1) Except for training purposes, only factory manufactured new (as opposed to remanufactured) ammunition may be acquired and carried for use in sidearms used for law enforcement purposes. This ammunition shall be loaded with full metal jacketed or semi-jacketed controlled expansion bullets. Information on suitable, caliber specific, duty ammunition may be obtained from the Branch of Training and Inspection, Division of Law Enforcement.

(2) Target ammunition, reloads, or cartridges loaded with wadcutter bullets may be used for practice, but not when firing a qualification or re-qualification score for record, nor may they be carried for duty purposes. Law enforcement officers will qualify and re-qualify with the same or ballistically equivalent ammunition which normally carried on duty.

(3) Shotgun ammunition utilized for duty purposes shall be factory manufactured 12 gauge, number 00 buck or rifled slugs, or other suitable rounds as recommended by the Branch of Training and Inspection, Division of Law Enforcement.

(4) Only new, commercial factory, or military arsenal manufactured, center-fire rifle ammunition of full metal jacket or jacketed controlled expansion design will be carried or used for law enforcement purposes. For training purposes only, commercially manufactured reloads, of similar bullet design, may be substituted for duty ammunition. Specific recommendations on ammunition may be obtained from the Branch of Training and Inspection, Division of Law Enforcement.

(5) To ensure that all law enforcement officers remain proficient with their weapons, each officer shall be provided with an appropriate number of rounds to meet all re-qualification requirements and to practice with each weapon authorized to be carry. This ammunition shall be in addition to any ammunition provided to the officer for the annual 40 hour in-service training. It shall be the responsibility of the ARD for Law Enforcement/Special Agent in Charge or Assistant Director for Refuges and Wildlife to ensure that this ammunition is provided and fired on an annual basis.

1.6 Carrying and Transporting Firearms. Only Service law enforcement officers who qualify and re-qualify in accordance with this part are authorized to carry firearms for law enforcement purposes.

A. When To Carry. Special Agents and other full-time law enforcement officers are subject to call any time and, therefore, are authorized to carry firearms at all times. Other Service law enforcement officers shall carry firearms when engaged in law enforcement duties, reasonably expected to be engaged in law enforcement duties, or if specifically authorized under specific circumstances. Such specific authorization must be in writing, and signed by the officer's Project Leader or higher level management.

B. Foreign Countries. Service law enforcement officers are not authorized to possess firearms while engaged in law enforcement duties in foreign countries. However, certain conditions might arise that would necessitate that firearms be carried. If a Service law enforcement officer is cognizant of the fact that such a situation might arise, he or she must obtain written permission from the legal authority in the respective host country and from the U.S. State Department. Furthermore, the Chief, Division of Law Enforcement, must concur with this request.

C. Commercial Aircraft. Public Law 87-197, 49 USC 1472(1), provides criminal penalties for the carrying of a firearm aboard a commercial aircraft. The statute specifically states that this prohibition does not apply to agents of the Federal government who are authorized or required within their official capacities to carry firearms. Pursuant to this statute, the Department of Transportation has issued regulations regarding

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carrying firearms on commercial air carriers. These regulations (as contained in 14 CFR 108) require Federal agents meet the following conditions when it is necessary for the firearm to be carried while aboard any commercial aircraft:

(1) The Service law enforcement officer shall notify the airline at least one hour prior to departure (or in the case of an emergency, as soon as practicable) that he or she is a Federal agent who has a need to travel armed. Among other things, this allows the carrier to comply with its regulatory requirements to notify crew members and other law enforcement personnel of the presence and location of each armed person aboard the aircraft.

(2) Armed Service law enforcement officers must identify themselves by displaying their credentials to the appropriate airline and security personnel before carrying a firearm on a commercial aircraft.

(3) The armed Service officer **shall not** consume alcoholic beverages while on board the aircraft, or eight hours before the flight.

(4) In order not to cause undue alarm to any passenger or have the firearm become a target of opportunity for any person, the Service law enforcement officer will exercise the utmost discretion to ensure that the firearm is not observable while in flight status.

(5) When traveling by air on official law enforcement business, Service law enforcement officers shall determine whether the immediate requirements of the particular mission make it necessary for a firearm to be carried on their person.

(6) No firearm shall be carried aboard a commercial aircraft by a Service law enforcement officer when traveling on personal business. However, firearms may be placed in checked baggage in accordance with Paragraph (9) below.

(7) Whenever a firearm is to be carried aboard an aircraft, the Service law enforcement officer shall adhere to all of the above procedures. It should be noted that despite the fact that the Service law enforcement officer feels that the scope of the enforcement mission requires that he/she carry a firearm on board an aircraft, airlines are not required to transport armed law enforcement officers and may deny boarding to the armed officer.

(8) Except as required when checking baggage with the airlines, Service law enforcement officers will not surrender any firearm to airline personnel in order to obtain a boarding pass from the airline.

(9) When in the judgement of the Service law enforcement officer the immediate requirements of a particular law enforcement mission do not warrant the carrying of a firearm aboard the aircraft, the firearm may be placed in checked baggage in accordance with the following requirements:

(a) The Service law enforcement officer must ensure that the firearm is **unloaded**, secured within hard-sided luggage, or placed in a hard-sided container within soft-sided luggage; and placed in luggage to which only the officer transporting the firearm retains the key or combination to the lock.

(b) The Service law enforcement officer must advise the airline that the above procedures have been followed, and if requested, allow airline personnel to inspect the weapon at the ticket counter when the luggage is checked.

(c) The Service law enforcement officer shall ensure that the "firearms" tag is placed inside the shipping

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container (luggage), and not affixed to the outside.

(10) Under no circumstances will a Service law enforcement officer carry OC-10, Cap-Stun, other pressurized Oleoresin capsicum agents, mace, tear gas, chemical agents, or other gaseous products in a pressurized container on board an aircraft, or place such items in their checked baggage or luggage.

1.7 Initial Firearms Training.

A. Service Sidearms.

(1) **Permanent Personnel.** Initial training in the use of an approved Service sidearm shall be accomplished by the law enforcement officer-trainee's successful completion of the Basic Criminal Investigators School (CI), or the Basic Law Enforcement Course for Land Management Agencies (LM) as administered by the Federal Law Enforcement Training Center (FLETC). All law enforcement officer-trainees must fire a minimum score of 80 percent or better on the course of fire utilized for qualification purposes during this basic training. In addition, when firearms training is incorporated into either the Special Agent Basic (SABS) or the Refuge Officer Basic (ROBS); all Service officer-trainees attending must successfully complete this training by firing a minimum score of 80 percent on all qualification courses fired for record. The inability of a Service law enforcement officer-trainee to qualify at the 80 percent or better level will result in his/her failure to successfully complete this required basic training.

(2) **Seasonal Personnel.** In order to meet basic training requirements for carrying Service sidearms, seasonal law enforcement officers must successfully complete 1) a law enforcement training course approved through the National Park Service Training Program for Seasonal Employees, or 2) a law enforcement training course approved by the Department of the Interior and the Service as a substitute to the Basic Law Enforcement Course for Land Management Agencies. Any waivers to 1) or 2) above must be approved by the Chief, Division of Law Enforcement. When recency of training exceeds three years, seasonal employees may retain law enforcement authority, and may continue to be authorized to carry Service firearms only if they have been actively involved in law enforcement since their initial training, and have re-qualified every six months or prior to resuming their seasonal duties.

(3) Sidearm Specific Training.

(a) The initial training referred to in paragraphs (1) and (2) above must be specific to the type of sidearm (i.e. revolver vs semi-automatic pistol) that the Service law enforcement officer will be issued upon conferral of authority. If a different type of sidearm was used during initial training, the Service law enforcement officer must successfully complete the appropriate transitional firearms program for the weapon he or she will be issued. The appropriate transitional firearms program shall be specified by the Branch of Training and Inspection.

(b) The appropriate transitional firearms training must be completed prior to the Service law enforcement officer being issued a Service approved sidearm of a different type than the one used during initial training. After receiving transitional training, the officer must be issued an appropriate weapon within ninety (90) days. If the sidearm cannot be issued within this ninety (90) day time frame, a refresher training course authorized by the Branch of Training and Inspection will have to be completed.

B. Service Shotguns. Initial training in the use of an approved Service shotgun shall be accomplished by the Service law enforcement officer-trainee's successful completion of the CI Program, or the LM Program as administered by FLETC. If this initial training has not been received by the law enforcement officer, the office must demonstrate proficiency with the shotgun by qualifying in accordance with paragraph D below

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prior to being issued this weapon.

C. Service Rifles. Service law enforcement officers are authorized to carry approved rifles for law enforcement purposes only when they have successfully completed the required rifle training specified by the Branch of Training and Inspection.

1.8. Firearms Qualification and Requalification

A. Qualification. Initial qualification by all Service law enforcement officer-trainees is accomplished by firing a minimum score of 80 percent or better during the CI Program, the LM Program, the appropriate seasonal program as described in paragraph [A\(2\)](#) above or the appropriate transitional program as described in [1.7A\(3\)\(a\)](#) above.

B. Requalification. After initial qualification, all Service law enforcement officers shall receive a minimum of four (4) hours of firearms training annually. In addition, every law enforcement officer must requalify every six (6) months, with each Service weapon they wish to carry. Re-qualification shall be accomplished by firing for record the required score of at least 80 percent on an authorized course of fire for each Service weapon which will be carried for law enforcement purposes. Law enforcement officers will also receive refresher or additional training in weapon handling, tactics, and other firearms skills necessary to effectively use their issued weapons.

(2) All Service law enforcement officers must fire an authorized reduced-light course annually with their primary sidearm.

C. Scores. All scores fired for record during initial qualification and re-qualification must be fired under the supervision of a certified range officer or certified firearms instructor.

D. Records. All firearms records shall be maintained on Form 3-2085, Firearm Training Record, Exhibit 1 and forwarded to the ARD for Law Enforcement/Special Agent in Charge or designee and shall constitute the official record. For refuge law enforcement officers, the official record shall be forwarded to the Regional Refuge Law Enforcement Coordinator or designee. This official record shall only indicate that the Service law enforcement officer passed or failed the qualification or re-qualification standard. These records must be maintained for not less than five (5) years. The records shall indicate the date of firing, time of day, weather conditions, course of fire, number of rounds, ammunition type, weapon used and range location. In addition, the records shall identify the certified range officer or certified firearms instructor under whose supervision the firing occurred, and note any specialized instructions given to individual shooters.

E. Targets. All scores fired for record shall be fired on approved targets. Approved targets are specified for each course of fire. The firing of a score for record on any target not specified in each course of fire shall require the prior approval of Branch of Training and Inspection, and shall be noted on the Firearms Training Record.

F. Authorized Courses of Fire.

(1) Except as noted below, only the courses of fire approved and maintained by the Branch of Training and Inspection may be used by Service law enforcement officers for re-qualification purposes.

(2) Other Courses of Fire. If under unusual circumstances a law enforcement officer is unable to fire an approved course of fire specified in this chapter due to a remote duty station location, no appropriate firing

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range facilities, or other limiting factor; the officer may re-qualify on any approved practical police course used by any police agency in the surrounding area. Service law enforcement officers using an alternate course of fire, however, shall obtain prior approval from their ARD or designee. All the other requirements in this chapter shall remain the same.

1.9 Certified Firearms Instructors.

A. Within each region the ARD for Law Enforcement/Special Agent in Charge and ARD for Refuges and Wildlife shall designate employees within their respective programs to serve as Service Designated Firearms Instructors (SDFI). To serve as a SDFI an employee must have graduated from a basic Firearms Instructor Training Course at the Federal Law Enforcement Training Center or an equivalent course of instructor approved by the Branch of Training and Inspection. The employee must also have served as a primary or assistant instructor at one or more Service firearms training/re-qualification sessions within the past year. Designated Firearms Instructors assist the Lead Regional Firearms Instructor.

B. Within each region the ARD for Law Enforcement/Special Agent in Charge and the ARD for Refuges and Wildlife shall designate employees within their respective programs to serve as Lead Regional Firearms Instructors. The primary role of Lead Regional Firearms Instructors is to oversee firearms training, re-qualification, and weapon familiarization at the field level for those employees with law enforcement authority. Lead Regional Firearms Instructors are responsible for planning, organizing, implementing and evaluating the firearms training program within their respective programs.

C. Certification.

(1) The Branch of Training and Inspection will maintain a list of all individuals qualified to serve as Service Designated Firearms Instructor, and a list of those persons designated as the Lead Regional Firearms Instructors for each region. Such information shall be available to the ARD for Law Enforcement/Special Agent in Charge and the ARD for Refuges and Wildlife to be considered prior to designation of Firearms Instructors. The Special Agent in Charge, Branch of Training shall be notified in writing of all designations.

(2) Service Designated Firearms Instructor designations will remain in effect until such time as an instructor fails to conduct or assist in the presentation of one training/re-qualification session in two consecutive years or the designation is changed by the responsible ARD.

(3) Reinstatement as a Service Designated Firearms Instructor must be initiated by written request to the ARD for Law Enforcement/ Special Agent in Charge or Assistant Regional Director for Refuges and Wildlife. Reinstatement will be granted only after successful completion of a Service refresher or other approved refresher course as specified by the Branch of Training and Inspection, if the individual has not maintained qualifications as indicated in paragraph [\(2\)](#) above.

D. Non-Service Firearms Instructors. When special circumstances exist and a Service Designated Firearms Instructor is not available to conduct re-qualification this duty may be performed by a certified range officer or certified firearms instructor employed and designated by any bona fide Federal, State, County, or Municipal police agency. The reporting requirements as contained in this chapter must still be completed for any re-qualification conducted by non-Service firearms instructors.

E. In-Service Training for Firearms Instructors. Every three years, a 24 hour in-service training session will be conducted for Service firearms instructors. The Branch of Training and Inspection shall be responsible for the development and coordination of these training sessions. The ARD for Law Enforcement/Special Agent in Charge and ARD for Refuges and Wildlife shall nominate those firearms

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instructors who will attend this training. However, attendance is mandatory for Designated Lead Regional Firearms Instructors.

1.10 Firearms Instructors Handbook. The Branch of Training and Inspection is responsible for the development, coordination, issuance and revision of the Firearms Instructor Handbook. The Handbook will contain applicable copies of the Department and Service firearms policies and guidelines; approved courses of fire; lesson plans; re-qualification reporting procedures and formats; and other information deemed necessary for proper administration of the Service's firearm programs.

1.11 Firearms Maintenance, Inspection, and Storage.

A. Maintenance. Each law enforcement officer is responsible for the care and routine cleaning of all assigned firearms. To ensure reliability, all ammunition carried in the firearm and ammunition carriers shall be replaced semi-annually. Law enforcement officers are not authorized to disassemble any Service firearm beyond the level specified during the training received for that firearm. Nor may they or anyone else modify in any way the internal/external parts of any firearm. The addition of after-market grips to a Service sidearm is authorized with the approval of a Service Armorer. The addition of accessories or other modifications to Service owned firearms used for law enforcement purposes may only be done by Service Armorers or by the factory, or other certified armorers with the approval of a Service Armorer.

B. Inspection and Repair. Service firearms shall be inspected at least annually by a certified armorer to ensure proper functioning. Certified armorers may disassemble Service firearms as necessary to inspect and analyze problems with the mechanical functioning of the weapons. If a firearm is found to have mechanical modifications that pose a safety hazard or if malfunctions or excessive wear are observed, the firearm is to be immediately removed from service until repaired or replaced. If immediate repairs are not possible, the law enforcement officer shall be issued a replacement firearm of the same type until such time as the officer's weapon is repaired. Firearms found to be unreliable, or in need of excessive repair, must be surveyed and, if appropriate, replaced. All repairs made to any Service firearm must be documented. Records of all annual firearm inspections and repairs shall be maintained by the ARD for Law Enforcement/Special Agent in Charge or designee. For refuge Law Enforcement officers, these records shall be maintained by the Regional Refuge Law Enforcement Coordinator or designee.

C. Storage.

(1) Service officers are responsible for the safe and secure storage of all firearms assigned to them. Service firearms that are not routinely carried shall be stored at Service facilities in a vault, gun locker, or other location which is secured in such a manner as to substantially reduce the possibility of theft or unauthorized removal. These firearms shall be unloaded, with the action open (out of battery).

(2) Service law enforcement officers may leave firearms that are routinely used for law enforcement operations in Service vehicles. Care should be exercised by law enforcement officers in removing and securing the firearms so as not to draw any undue attention which might result in the theft or unauthorized removal of the firearms.

(3) Service firearms carried in vehicles must be secured in locked boxes, trunks, or other locations which will reduce the risk of theft or unauthorized removal, unless their use is imminent. Firearms shall not be stored in vehicles that are not in routine use and which are left unattended for extended periods of time.

(4) If at all possible, firearms should be stored at the law enforcement officer's duty station. However, when it is impractical to do so, or operational requirements dictate otherwise, law enforcement officers are authorized to store them at their residence, provided appropriate safeguards are taken. Family members

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should be educated not to handle these firearms. Firearms stored at a residence must be stored under lock and key, unloaded, actions open (out of battery) with the ammunition stored separately.

D. Loss of Firearms. Service law enforcement officers shall verbally report the loss or theft of any Service firearm to his or her immediate supervisor, the local Federal Bureau of Investigation office, and the pertinent local police jurisdictions. This report should include weapon make, model number, serial number, and caliber. These oral reports must be followed by a written report from the law enforcement officer within seventy two (72) hours. The officer's immediate supervisor shall forward a copy of the report to the ARD for Law Enforcement/Special Agent in Charge or ARD for Refuges and Wildlife for compliance with report of survey requirements in accordance with [310 FW 7](#), Report of Survey.

1.12 Service Designated Armorer.

A. Within each region the ARD for Law Enforcement/Special Agent in Charge and the ARD for Refuges and Wildlife shall designate employees within their respective programs to receive training and serve as Service Designated Armorers (SDA). Service Designated Armorers will perform routine inspection, maintenance, and repair of Service firearms.

B. Service Designated Armorers must have graduated from a factory sponsored training course for the specific firearm(s) for which certification is required, and must successfully meet all factory re-certification requirements.

C. The Branch of Training and Inspection shall be advised of all Service Designated Armorer designations and shall maintain a list of all Service Designated Armorers. This list shall include the name, duty location, Division identification, and what weapon certification is held by each armorer.

/sgd/ Denise E. Sheehan, Assistant Director – Budget, Planning and Human Resources
for DIRECTOR

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